

REMARKS/ARGUMENTS

Claim amendment

Claims 1-19 have been canceled.

Claim 20 has been amended to clarify the meaning of the term “storage” by requiring storing the fluid in the tank at the location “for a long enough time for storage regulations to apply”.

Claim 23 has been rewritten so as not to refer to claim 1, and has been amended to clarify the meaning of the term “storage” by requiring storing the fluid in the tank at the location “for a long enough time for storage regulations to apply”.

Amendments to the specification

The specification has been amended to change reference character “2” to “3” to correct an obvious error in which reference character 2 which referred to the outer shell in the specification labeled the inner shell in the drawings. This amendment also addresses the examiner’s concern that reference character 3 did not appear in the specification.

The specification has been amended to change “top loading valve 420” to “top loading valve 422” to correct an obvious error in which the hitch and the top loading valve were referred to by the same reference character.

The specification has been amended to change “drain 418” to “drain (not shown)” to address the examiner’s concern that reference character 418 did not appear in the drawings.

The specification has been amended to to change “The drip tray 412 shown in Fig. 4 has a grounding rod 226” to “The drip tray 412 shown in Fig. 6 has a grounding rod 226 shown in Fig.

1” as the reference characters 412 and 226 do not appear in Fig. 4 but do appear in fig. 6 and fig. 1 respectively.

Amendments to the drawings

The drawings have been amended to add reference characters 110 and 416 to address the examiner’s concern that reference characters 110 and 416 did not appear in the drawings.

The drawings have been amended to change reference character “2” to reference character “1” to correct an obvious error in which reference character 2 which referred to the outer shell in the specification labeled the inner shell in the drawings.

The drawings have been amended to change reference character “4” to reference character “3” to address the examiner’s concern that reference character 4 appeared in the drawings but not in the description.

The drawings have been amended to remove reference characters, 6, 8, 9, 22, 23, N2 and N3 to address the examiner’s concern that reference characters 6, 8, 9, 22, 23, N2 and N3 appeared in the drawings but not in the description. Reference character N1 has also been removed as it did not appear in the description.

Figure 6A has been amended to replace the occurrences of reference character 420 when labeling a top loading valve with new reference character 422 to correct an obvious error in which the hitch and the top loading valve were referred to by the same reference character.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) as not including reference signs 110, 416 and 418 mentioned in the description. The objection has been addressed in the amendments to the figures and the specification. Reference characters 110

and 416 have been added to the drawings, and reference character 418 has been removed from the description.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) as including reference signs 3, 4, 6, 8, 9, 22, 23, N2 and N3 not mentioned in the description.

The objection has been addressed in the amendments to the figures and the specification. The description has been amended to change reference character 2 to 3 and the drawings have been amended to change reference character 2 to 1. The drawings have also been amended to change reference character 4 to 3. The drawings have been amended to remove reference characters 6, 8, 9, 22, 23, N2 and N3.

Claims 1, 2, 4, 7 and 20-23 have been rejected under 35 USC 102(b) as being anticipated by US patent no. 5,983,962 (Gerardot). Applicant respectfully traverses this rejection. Claim 20 as amended requires storing the fluid in the tank at the location for a long enough time for storage regulations to apply. From the description, “The tank is also constructed to meet standards for storing fluids on site.” Gerardot does not disclose or suggest storing the fluid in the tank at the location for a long enough time for storage regulations to apply. In fact, Gerardot specifically states (column 2, lines 25-31) that “The system should not come under the present containment laws as it should not be considered as fuel in storage. For a large operation such as a high volume truck stop, the unloading time would be about the same as a fuel transport unit takes to unload into an underground storage tank. Such fuel transport trucks are typically not in containment while unloading fuel.” Claim 20 is thus not anticipated by or obvious in view of Gerardot. Claims 21 and 22 depend on claim 20 and so are also not anticipated by or obvious in view of Gerardot. Claim 23 has also been amended to require storing the fuel in the tank at the location for a long enough time for storage regulations to apply and is not anticipated by or obvious in view of Gerardot for the reasons given in relation to claim 20.

Claim 22 is not anticipated by Gerardot for the additional reason that claim 22 requires refilling the tank at the location which is not disclosed or suggested by Gerardot. The examiner points out that Gerardot discloses a tank that is able to be refilled. However, Gerardot does not disclose or suggest refilling the tank at the location. Rather, Gerardot discloses returning the tank

for refueling (column 4, lines 31-33; Fig. 4 reference numeral 47). Claim 22 is not anticipated by or obvious in view of Gerardot for this reason in addition to the reason that it depends on claim 20 which is not anticipated by or obvious in view of Gerardot.

Claims 5 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 2,928,436 (Wendrow). Applicant respectfully traverses this rejection. The rejection is moot as claims 5 and 13 have been canceled.

Claims 6 and 12 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 4,272,089 (Watkins). Applicant respectfully traverses this rejection. The rejection is moot as claims 6 and 12 have been canceled.

Claims 8 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 6,082,392 (Watkins 2). Applicant respectfully traverses this rejection. The rejection is moot as claims 8 and 9 have been canceled.

Claims 10 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 6,293,302 (Waters). Applicant respectfully traverses this rejection. The rejection is moot as claims 10 and 11 have been canceled.

Claims 14 has been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 4,320,788 (Lord). Applicant respectfully traverses this rejection. The rejection is moot as claim 14 has been canceled.

Claims 15 has been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 2,145,759 (Fellows). Applicant respectfully traverses this rejection. The rejection is moot as claim 15 has been canceled.

USSN 10/724,143
Art unit 3753
Examiner Rost, Andrew J

Claims 16 and 17 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot in view of US patent no. 7,055,558 (McGill). Applicant respectfully traverses this rejection. The rejection is moot as claims 16 and 17 have been canceled.

Claims 18 and 19 have been rejected under 35 USC 103(a) as being unpatentable over Gerardot. Applicant respectfully traverses this rejection. The rejection is moot as the claims at issue have been canceled. The rejection is moot as claims 18 and 19 have been canceled.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted, and certified as being transmitted to the USPTO on November 26, 2010.



Anthony R. Lambert
Agent of Record
Registration no. 32,813
Customer no. 020212
Telephone 780-448-0606